

REMARKS

On June 17, 2009, the Examiner Issued a Notice of Non-Compliant Amendment asserting that the Reply filed on March 2, 2009 is not fully responsive to the prior Office Action since Applicants did not adequately respond to provisional obviousness-type Double Patenting rejection. Although Applicants disagree and submit that a Provisional rejection need not be addressed, Applicants have taken steps in order to render this rejection moot. In particular, Applicants have filed a Terminal Disclaimer in Application 10/521,989 (the '989 application) over the present application 10/521,669 (the '669 application).

As the Examiner is aware, the '669 application claims priority to PCT/KR2003/001427, filed July 18, 2003 and the '989 application claims priority to PCT/KR2003/001443, filed July 21, 2003. Accordingly, the '989 application is the later-filed application due to its July 21, 2003 PCT filing date as compared to the July 18, 2003 PCT filing date of the '669 application. According to MPEP § 804 I.B.1. if a provisional obviousness-type Double Patenting rejection is the only remaining rejection in both applications, the Examiner should withdraw the rejection in the earlier-filed application thereby permitting that application to issue without need of a Terminal Disclaimer. Further, a Terminal Disclaimer must be required in the later-filed application. Applicants have filed the Terminal Disclaimer in the later-filed '989 application, and thus, the "provisional" obviousness-type Double Patenting rejection in the '669 application is moot. Reconsideration withdrawal of this rejection is therefore respectfully requested without the need of a Terminal Disclaimer.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Craig A. McRobbie, Reg. No.

42,874 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,



By _____
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